

JUN 21 2007

38-21(52743)B

Listing of Claims - as submitted in a preliminary amendment with the response to file missing parts

1. (Currently amended) A transgenic seed for growing a transgenic plant having in its genome recombinant DNA which expresses (i) a transcription factor comprising the consensus amino acid sequence of SEQ ID NO:11 and (ii) a protein which confers at least one of an herbicide resistance trait or a pest resistance trait.

2.-4 (Cancelled)

5. (Currently amended) The transgenic seed of claim 1 wherein said plant is a crop selected from the group consisting of a variety of maize, soybean, cotton, rice, wheat, canola and turfgrass.

6. (Previously presented) A plant grown from a seed of claim 1.

7. (Previously presented) A method for improving the yield of a crop plant variety as compared to said crop variety lacking recombinant DNA expressing a transcription factor comprising the consensus amino acid sequence of SEQ ID NO:11 when said crop varieties are grown in a water deficient environment, said method comprising inserting into the genome of said variety recombinant DNA which expresses a transcription factor having consensus amino acid sequence of SEQ ID NO:11.

8. (Previously presented) A method of improving a hybrid crop plant by crossing a first crop with a second crop wherein pollen from said first crop contains recombinant DNA which expresses a transcription factor comprising the consensus amino acid sequence of SEQ ID NO:11

9. (Currently amended) ~~A~~ The method of claim 8 wherein one of said crops comprises recombinant DNA which expresses a protein that confers at least one of an herbicide resistance trait or a pest resistance trait.

10. (Previously presented) A hybrid corn seed which is the progeny of

(a) a transgenic female ancestor corn plant having in its genome a recombinant DNA which expresses a transcription factor comprising the consensus amino acid sequence of SEQ ID NO:11;

(b) a transgenic male ancestor corn plant having in its genome a recombinant DNA which confers at least one of an herbicide resistance trait or a pest resistance trait.

38-21(52743)B

11. (Currently amended) A The hybrid corn seed of claim 10 wherein said transgenic female ancestor corn plant further has in its genome recombinant DNA which confers herbicide resistance.

12. (Currently amended) A The hybrid corn seed of claim ~~11~~ 10 wherein said transgenic male ancestor corn plant has in its genome recombinant DNA which confers both herbicide resistance and insect resistance.

13. (Currently amended) A The hybrid corn seed of claim 11 having resistance to at least one herbicide selected from the group consisting of a glyphosate herbicide, a phosphinothricin herbicide, an oxynil herbicide, an imidazolinone herbicide, a dinitroaniline herbicide, a pyridine herbicide, a sulfonylurea herbicide, a bialaphos herbicide, a sulfonamide herbicide and a gluphosinate herbicide.

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Brief Description Of The Drawings

Figure 1 is an amino acid sequence alignment of

(a) all of SEQ ID NO:7 representing conserved amino acid sequence in an Arabidopsis transcription factor denoted "G1067" which is disclosed in application Serial No.

5 09/934,455;

(b) all of SEQ ID NO:8 representing conserved amino acid sequence in an Arabidopsis transcription factor denoted "G1073" which has the full amino acid sequence of SEQ ID NO:1;

10 (c) all of SEQ ID NO:9 representing conserved amino acid sequence in a cotton transcription factor which has the full amino acid sequence of SEQ ID NO:2;

(d) residues 1-59 and 71-103 of SEQ ID NO:10 representing conserved amino acid sequence in a rice transcription factor which has the full amino acid sequence of SEQ ID NO:3;

and

15 (e) all of SEQ ID NO:11 which is a consensus representation of those conserved amino acid sequences.